

# THE LABOUR ORGANISER

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**STRIKING NEW FEATURE.****SEE PAGE 68 FOR QUESTIONS.**

## THE "LABOUR ORGANISER" TRAINING SCHEME FOR ELECTION WORKERS

### PART THREE OF STUDY COURSE.

*In response to many requests, and to suggestions made to us by officers of the Labour Party, we commenced in our February issue a definite course of training for election agents. Readers are requested to see our February issue for full particulars of the scheme.*

#### Nominations.

Every candidate for Parliament must be nominated in writing on a paper signed by two electors as Proposer and Seconder and eight other electors as assentors.

The nomination paper must be in the form prescribed by the Act (see next month's "L.O.") and the Returning Officer must supply a nomination paper to any elector requiring same. The use of the official nomination paper is not compulsory and the nomination may be either wholly handwritten or type-written (except the signatures) provided the wording and form is the same.

It will be noted that no heading or date is prescribed, thus these are usually added for the sake of convenience.

The day of nomination is fixed by the Returning Officer (as to how fixed see first article).

Two hours between 10 a.m. and 3 p.m. must be chosen for nominations, and the R.O. must sit for an additional hour afterwards for the purpose of hearing and considering objections.

Where there are two members to be elected separate nomination forms must be used, though one elector in such case may sign two papers. The nomination papers must be delivered to the Returning Officer by the candidate himself or his proposer or seconder.

The £150 deposit which is made at the same time may be handed in by the candidate or someone on his behalf. A further proceeding at nominations may be an application for the extension of

hours for polling. This notice must be given in writing and may be given by the candidate or the election agent. The application for extension, which the Returning Officer has no power to refuse or reject, may be given either during the two hours for nomination or within one hour afterwards, differently to the candidate's deposit which must be made during the two hours nomination period.

A candidate can only withdraw during the two hours of nominations. A candidate nominated in his absence abroad is withdrawable by the proposer during the same period. If a candidate dies after nominations and before the opening of the poll all proceedings in the election must be commenced afresh except that the other candidates do not require to be renominated. The persons entitled to be present at nominations are the candidate, his proposer and seconder (presumably each person proposing or seconding is entitled to attend to present his nomination) and "one other person" selected by the candidate. It would appear that the Election Agent would have a right of attendance for the purpose of serving his notice regarding the hours of polling or, more doubtfully, for the purpose of paying the deposit. The R.P. Act, which is subsequent to the Ballot Act, appears to supersede the latter Act in these particulars.

It is the Returning Officer's duty to publish notice of the nominations he receives in a conspicuous place outside the building in which nominations are taking place. The Act says "the returning officer shall on the nomination paper being delivered to him forthwith publish notice," and it would appear that the object of not waiting till nominations are closed is to give the public opportunity for objection. Objec-

tion may be made to a nomination paper by the Returning Officer or some other person before the two hours have expired or within one hour afterwards. The restriction on those entitled to be present (Ballot Act, Rule 8) applies to the nomination period only. The Act does not prevent the attendance during the hour of objections of persons desiring to lodge an objection.

The Returning Officer acts judicially regarding every objection made and, if he disallows an objection, his decision is final. If, however, an objection is upheld the decision may be reversed, but only on petition.

The Returning Officer is required immediately after nomination to give "public notice" of the day of the poll and the names of the validly nominated candidates, and also of the names of persons who subscribe the nomination paper of each candidate. In a County Division he must also deliver to the postmaster a statement of the names of the candidates and the day of the poll, and this information is to be telegraphed to all the postal telegraph offices in the Division and immediately published at each office.

Some confusion sometimes arises owing to the fact that in a Parliamentary Election the day of nomination is spoken of as the "day of Election." This matter should be borne in mind in reading any acts or rules bearing on the subject.

### Corrupt and Illegal Practices.

The term "corrupt and illegal practices" is applied to a long series of offences against the law of elections, which are variously to be found legislated against in the Corrupt and Illegal Practices Prevention Acts, the Ballot Act, the R.P. Acts and sundry other Statutes.

The term is a somewhat loose one, for it covers corrupt and illegal practices enumerated as such and other practices more correctly known as illegal employment, illegal payment, illegal hiring, offences against the Ballot Act, and other offences undefined under any of these heads.

The complicated Corrupt and Illegal Practices Act of 1883 differentiates between some of these practices according to whom the offender may be. There is a grading of the offences, and some acts when done by a candidate or an agent rank as more serious offences than when done by some other person. The effect in some cases apart from the prescribed

punishment is to unseat the candidate, though the same offences done in some circumstances by other persons has a lesser effect.

There is a golden rule in these matters which avoids the necessity of the student mastering all these complications and differentiations. That is, never to do any of the things prohibited by Act of Parliament. So long as an agent acts within the law he need not trouble whether a certain offence is "corrupt" or "illegal" or only a sin of minor degree. The Corrupt Practices Acts as a whole are wholesome and a safeguard to a democratic Party. The Labour Party stands to lose most if the Acts are disobeyed. Therefore Labour men should not encourage an infraction.

If by inadvertence an offence has been committed a procedure is laid down for some offences whereby "relief" can be obtained by Order of the Court—that is to say, an absolution is obtainable, though this must not be taken for granted, nor does it apply to any but the lesser or least culpable offences. When an offence has been committed expert opinion should be sought at once as to the remedy.

An agent must remember that the election is a trial of his will to do right against many temptations. If an offence ever comes into Court his actions and attitude throughout the election may be examined to test the precautions which he took against offences being committed. His personal bearing, his book-keeping, his method of selecting his staff, the instructions he gave to them, and any warnings he may have publicly given will all be considerations that will enter into the Judge's mind. Hence an election agent should keep his own accounts carefully and warn all his officers against improper expenditure. He should take the utmost care as to whose aid he accepts and he must take, not one solitary step, but repeated measures, to bring before his helpers the acts and deeds which they must not commit.

With this preamble we will proceed to give a list, though perhaps not an exhaustive one, of election offences.

Bribery is the original sin in electioneering. The offence is exhaustively defined in an Act of 1864. The forms of bribery indicated seem endless when one reads this statute. It is bribery to give, it is bribery to offer, it is bribery to receive, and so on like the story of the locusts in the Arabian Nights.



Treating is a more refined Corrupt Practice. To stand a voter a drink or a meal becomes an offence only when corruptly done. The difficulty of proving a corrupt motive is always the real snag in both proving and preventing treating. Where a corrupt motive exists the person or persons treated are presumed equally guilty of the offence of treating. Treating and bribery are closely allied offences, and the distinction between them is sometimes difficult.

"Undue influence" is the general term for a species of corrupt practices, which may embrace intimidation of a widespread character such as prevents the election being conducted in a free and open manner; another offence which might be committed by individuals in peculiar relationship to the voter who exercise undue pressure to influence him to vote in a particular way or not to vote at all; and a third offence committed by a person who threatens a voter with any harmful consequences as a result of voting or not voting.

Generally intimidation is now very rare, but it is none the less necessary to warn election agents against arranging polling day functions to take place near polling booths at which feeling may run high. Secret pressure on individuals is always particularly difficult to detect and the commonest form of undue influence is the personal intimidation given by an employer to an employee, a landlord to his tenant or a customer to a tradesman. Undue influence is not only corrupt at law but it is dastardly to plain people. An agent should both expose it when met with and seek to prevent it on his own side.

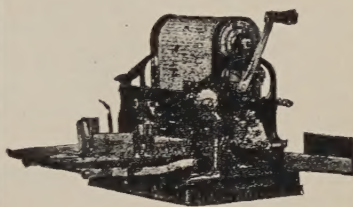
Personation is a not uncommon offence, and it often goes undetected. Attempting to vote in another person's name or attempting to vote in one's own name a second time amounts to personation. The man who counsels or abets a personator is also deemed guilty.

A false declaration of election expenses knowingly made is a corrupt practice. Omission of items completes the offence or wrongful information concerning any one of them.

The Judges will not interpret the term "knowingly made" in such a way as to excuse the agent if, in fact, he has omitted some expense which he ought to have known about.

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A person who incurs expenses on account of holding public meetings or issuing advertisements, circulars or publications for the purpose of promoting the election of any candidate and does so without the written authority of the election agent is now guilty of a corrupt practice.

Illegal practices, payments, employment and hiring may be tabulated as follows:—

Making or receiving payment (a) On account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise; or (b) To an elector, other than an advertising agent, on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or (c) On account of any committee room in excess of the number allowed, or paying or incurring sums in excess of the maximum expenditure allowed.

Voting or procuring a person to vote knowing that such voter is prohibited from voting.

Knowingly publishing, before or during an election, a false statement of the withdrawal of a candidate.

Printing or publishing any bill, placard, or poster relating to the election which does not bear the name and address of the printer and publisher.

Making any payment, advance, or deposit, in respect of election expenses otherwise than through the election agent.

Making payments after the legal time has expired.

Failing to make a return of expenses.

Making or publishing, for the purpose of affecting the return of any candidate at such election, any false statement of fact in relation to the personal character or conduct of such candidate.

Acting, or inciting others to act, in a disorderly manner at a political meeting.

Voting or attempting to vote in more constituencies than allowed, or voting otherwise than by proxy while proxy paper is in force, or as proxy on behalf of more than two absent voters, or by proxy when voting paper has been cancelled.

Knowingly providing money for any payment contrary to the provisions of the C.I.P.P.A. Act.

Letting, lending, or employing for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal kept or used for the purpose of letting out for hire, knowing that such carriages or horses are intended to be used for the purpose of conveying electors to or from the poll; also the hiring, borrowing, or using of any such carriage, horse, or other animal, except in the case of letting to, or hiring, employing, or using of a carriage or horse by an elector or electors, at his or their joint cost for the purpose of being conveyed to or from the poll.

Corruptly withdrawing or corruptly inducing or procuring the withdrawing of any other person from being a candidate in consideration of any payment or promise of payment.

Making payments for bands, torches, flags, banners, cockades, ribbons or other marks of distinction, and the knowingly receiving of any such payment.

Employing for payments, or promise of payment for any purpose, or in any capacity, except as allowed by law.

Using any licensed house or place where intoxicating liquors are sold, or where refreshments are sold for consumption on the premises, or any public elementary school as a committee room.

Forging, or fraudulently defacing or destroying any Ballot Paper.

Supplying a ballot paper without due authority or fraudulently putting into any ballot box any paper other than the proper ballot paper.

Fraudulently taking any ballot paper out of the polling station.

Destroying, taking, opening or otherwise interfering with any ballot box or packet of ballot papers then in use without due authority.

Acting in contravention to the provisions of Section 4 of the Ballot Act, which contains the provisions regarding the maintenance of secrecy at the polling station and the counting of the votes.

(To be continued.)

## QUESTIONS.

1. What steps would you take to ensure that your election workers do not commit corrupt, illegal or other wrongful acts?



2. Who may be present at the counting of the votes?
3. What persons would you have sworn in at your election?
4. Does anyone require to be sworn in before the "day of election"?
5. How and when would you object to an opponent's nomination?
6. What happens if the objection is (a) disallowed, or (b) allowed?
7. If the landlord of your Central Committee Rooms required extra payment for the exhibition of a large Central Committee notice on the front of his building, how would you treat the matter?
8. Under what circumstances, if any, may a voter subscribe to two nomination papers in the same constituency?
9. A certain local Party rents a room behind licensed premises, and regularly uses same. It has a separate entrance, but a door communicates through the kitchen with the part of the house where liquor is sold. May this room be used as a committee room or for meetings during the election?
10. Briefly, give two or three reasons in support of the sentence (to be found in this month's "L.O.") : "an agent must remember that the election is a trial of his will to do right against many temptations."

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## THE MAY-DAY DEMONSTRATIONS.

### A Point Concerning Expenses.

A number of enquiries have reached us concerning the possibility of this year's May Day Demonstrations requiring to be returned as election expenses owing to their proximity to the date of the General Election. It is evidence of a genuine desire on the part of Labour workers to keep within the law that such a number of enquiries should reach us on this and similar points, and this attitude is in marked contrast to the lavish expenditure of our opponents in certain directions for some time past.

In most constituencies the May Day Demonstrations are primarily industrial affairs. They have been organised as annual events for many years past and the demonstrations come at a fixed date regardless of the incidence of the General Election. These being the facts, in most cases, we are of the opinion that there is ample judicial opinion on similar points to warrant us in saying that the expenses of these events are in no sense expenses that should be returned as part of the expenses in the conduct or management of the election.

It is only to be expected that on the present occasion the speeches will be more political than usual, and certainly more pointed, also that the Parliamentary candidates will be much in evidence. But the nature, object and scope of the May Day demonstrations is sharply distinguishable from the kind of political demonstration which might be organised as part of an election contest, and though in some instances demonstrations may have been organised by officers, acting in their industrial capacity, who may prove to be the same individuals who will conduct the election, there is nothing in this incidence to prevent the demonstrations passing off as entirely independent affairs.

There will, of course, be some cases where the demonstration will be virtually taken over by the political organisers. If this is actually so, the expenses must be returned. There will also be a strong presumption that the demonstration is an election expense where the demonstration takes place for the first time this year and the candidate plays a prominent part. These cases must be judged upon their special circumstances.

## MONEY SAVING AT THE ELECTION

At the coming election Labour in most constituencies will be fighting on strictly rationed and insufficient resources. An article therefore on how to keep the election expenses down will not be untimely.

The largest item of expenditure is usually on printing. Local people should make up their minds to get rid of the fetish that they must always deal with the local printer, who all too often is an enemy, and *au fait* with the other side. The parochial idea that one must print locally has enabled printers in the past to make substantial sums out of every election, and it is no wonder that master printers look forward with glee to every dissolution. Increased prices, scamped jobs and short quantities are much too frequent at elections.

The agent should make up his mind to get estimates for every job before the election, if possible. Comparison will induce him to give the printing where the most reasonable price has obtained. Placing printing orders without estimates is a fruitful cause of unexpectedly large bills.

We recently came across an order for 50,000 envelopes placed, without competition, with a local printer. The price was 5/6 per thousand, and the printer required another 3/- for printing the usual election matter on the face of the envelope. Yet had this order been put out to estimate the printed cost would have been in the neighbourhood of 4/- ready printed!

Printers' contracts frequently bear a clause which admits of a shortage of as much as 10 per cent. This is a serious matter, and each election order should bear the stipulation that full quantities must be delivered. It is advisable to check deliveries either by count or weight.

Considerable economy in meeting bills is possible in some places by using a standard meeting bill or poster on which the printer will merely change the essential particulars of a meeting. The bills may or may not be run off beforehand as skeleton bills. Personally, we place great stress on a varied bill for each meeting, and on each lot of bills containing a punch or effective tag. But where needs must the skeleton bill is a considerable economy.

Photo cards printed on art board may be substituted by art paper with little

reduction in effectiveness and convenience. Paper has even been used for poll cards.

If printing blocks are necessary it is better to deal direct with the block-maker. There is a standard scale of charges throughout the country and time is saved. Printers are allowed 10 per cent. profit by the block makers, but this is often insufficient for the local printer and excessive charges are sometimes made.

In some of the most hard-up constituencies really desperate economies may be necessary. In these places the election address will be reduced to the smallest possible size, though it hardly seems desirable to go smaller than an octavo-fly-sheet. The poll card may have to be modified or entirely dispensed with, and a cheapening of the customary thing is to omit the many alterations of polling stations. In a big County Division there may be from 50 to 70 alterations and re-numberings which makes the poll card a complicated printing job. Therefore where funds will simply not allow this, information can be cut out, and the register numbers only given. While we don't like doing this it must be remembered that the information concerning where a person will vote is supplied by both the other Parties and in practice the voter is at little disadvantage. An even further economy is to write the register number on the envelope and to tell the elector on whatever printing matter is inside where his number is to be found.

There is no need to advocate in some districts the economies that are to be made through advertising meetings by pavement chalking and hand bells. It is already done. As the election progresses and enthusiasm increases less and less advertising of meetings is necessary. A thorough canvass of the district in which a meeting is announced is another good alternative to printing.

We do not favour newspaper advertising at any time for election purposes. The charges are outrageously high and, although newspaper advertising has its value in regard to every day commodities, its election value is generally incommensurate with its cost.

Billposters' charges may be reduced by keeping posters to double crown size. The next size bill (double demy) is actually charged the same as for two



double crowns, though it is only slightly larger than one. A strict check should be kept on posters sent to the billposter, and a return asked for as to where they are posted. Some dishonest, or shall we say overworked billposters, have a trick of keeping a large proportion of every lot of bills back for, as they describe it, "a last day show"—a thing not so valuable concerning a meeting as if all the bills supplied were posted at one time—but these bills very often don't get posted at all, and certainly they do not get the value of the full period of exhibition paid for.

The charges for schoolrooms, particularly in country districts, are often excessive. Full use should be made of the permitted free use. It will be found that there are numbers of small halls for which outrageous prices are charged. Sometimes remonstrance with the proprietors has its effect. Church schools are notorious sinners in regard to high charges, the parson, like the printer, apparently hoping to line his pockets out of the General Election. Some of the better class of parsons are, however, open to reason, and we have had reductions as a result of pointing out the lower and more reasonable charges made for non-provided schools. Rather than pay certain prohibitive charges it pays better to hold outdoor meetings in the neighbourhood, spending the money saved in effective advertisement of same.

The charges for Committee Rooms can be cut down by seeking them in good time, and asking the local people to share in the problem of finding one. Free use of Committee Rooms should be sought for, and people who can do little else in the election will sometimes help in this. No loose promises, however, should be made, and every contract should be in writing.

A considerable sum can be saved in some constituencies over past experience by a better organisation of transport. The ideal to aim at is to work meetings in sequence commencing in some constituencies as early as 6 p.m. and to send speakers and cars on well arranged nightly tours. Workers should not be allowed to forget that the buses, trams and trains will run just as usual during the election, and that motor cars do not run on air. Some people consider they are rendering the cause a service by rushing frantically here and there whenever they can commandeer a car. A stern check should be put to this sort

of thing, and the result will be in most cases a striking economy. Where conveyances set out with speakers they should be used for communications or deliveries to Committee Rooms.

It should be necessary in few elections to have to buy copies of the register. The regular agent will get two free copies at least and the candidate will also be entitled to a copy. All these copies may be printed on one side only, and if taken care of they should prove enough.

Lastly let those responsible for expending money keep a cool head and stick closely to the plans they have outlined. Election campaigns are fruitful of wild cat schemes and brain waves involving expenditure. The time for brain waves is when the plans are being laid, and it requires to be an exceptionally pretty scheme to secure adoption during the election if it involves cost. Workers will press their ideas, and some will sulk unless they are accepted; but, refusal must be firm and the estimates kept to. No one should be allowed to spend money without written authority. This will save transgression of the law, and what is as important, it will save a hopeless muddle and excess expenditure.

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# THE MACHINERY OF ELECTIONS

## BEING A SIMPLE EXPLANATION OF THE BALLOT ACT AND KINDRED ENACTMENTS.

BY THE EDITOR.

ARTICLE III.

### Counting Arrangements.

A curious omission in the Ballot Act is the absence of any provision for the safe custody of the Ballot Boxes after the poll is closed. Other than the provisions just enumerated for the sealing of the envelopes and the sealing of the ballot boxes nothing further concerning their safety is said by the Act until we come to the provisions for the count. That loose arrangements are sometimes to be found in rural areas is not to be wondered at.

The counting of the votes must take place "as soon as practicable" after the close of the poll. The Returning Officer (this will be the Acting R.O., or the Deputy Acting R.O. as the case may be) is himself charged with making the arrangements, and he must notify the counting agents of the candidate in writing of the time and place at which the count will commence.

Those entitled to be present at the count are the returning officer, his assistants and clerks, the counting agents of the candidates, and the candidates themselves. No other person may be present except with the sanction of the returning officer.

The number of counting agents to be appointed by the candidates is not fixed by the Ballot Act nor is any provision made as to who may fix the number. In practice the number lies at the discretion of the returning officer, but this appears to be the outcome of tradition rather than the result of rule. It is probably the case that a candidate dissatisfied with the number of counting agents proposed to be allowed by the returning officer could appoint agents beyond the number proposed, and insist upon their presence. Provided they secured admission to the counting room there is no provision which gives to the returning officer the power to secure their removal or to order any person into custody, as is enacted in the case of a person at a polling station who fails to obey the lawful orders of the presiding officer.

So far as we are aware the point has never been tested. Action for assault might lie if properly appointed agents were ejected, and there is of course the remedy of proceeding against the returning officer. We can, however, only imagine a difference such as this arising where a returning officer persisted in his refusal to recognise a sufficient number of agents to supervise the counting of the votes.

The names and addresses of the counting agents must be transmitted to the returning officer one clear day at least before the opening of the poll and the returning officer has power to refuse admission to counting agents whose names and addresses have not been so transmitted. "Transmitted" does not necessarily mean "received by" but an election agent would be very unwise to rely upon this point because the object of the rule is to enable the returning officer to transmit in time his notices of the time and place of the count.

The returning officer and every officer, clerk or agent present at the count must be sworn into secrecy **before the opening of the poll.**

No provision is made for swearing in the candidates and it is generally admitted that they may be present without being expressly sworn. Nor is any provision made as to swearing in visitors present on the authority of the returning officer.

Where a counting agent dies or becomes incapable of acting the candidate may substitute another agent and it would appear that the previously requisite notice is waived in this case. It is not, however, so certain that the requirement to be sworn in "before the opening of the poll" is waived, and it is always desirable to have one or two extra agents sworn in.

### Method of Counting.

The Ballot Act does not prescribe the method of counting and in practice each returning officer settles the way in which he will conduct the enumeration. It is, however, in our opinion



against the intention of the Act for the candidates' agents to assist in the counting, though it is equally the intention of the Act that the counting shall take place in the effective presence and under the observation of the agents.

Though the returning officer has a wide discretion in the arrangement of his count there is certain procedure to be strictly followed. Thus, before he proceeds to count, he must open each ballot box and count and record the number of ballot papers therein. The whole of the ballot papers contained in the ballot boxes are then to be mixed.

The returning officer is strictly enjoined that while checking the ballot paper account the papers are to be kept face upwards. That is to say that the crosses are showing, and he is to take proper precaution to prevent any person seeing the number on the back of any ballot paper.

The returning officer is required to proceed continuously with the counting of the votes allowing only time for refreshment, but he can only proceed between the hours of seven o'clock at night and nine o'clock the following morning if he and the agents agree. If there is an adjournment of the count the ballot papers and other documents must be sealed up and the agents of the candidates may affix their seals.

#### **Rejected Ballot Papers.**

Apart from the spoilt ballot papers already mentioned, being those inadvertently spoiled at the polling stations, and not inserted in the ballot boxes, the proceedings at the count result in other papers being declared invalid. Papers may be declared invalid for the following reasons:—

1. Want of official mark.
2. Voting for more candidates than entitled.
3. Writing or mark by which voter could be identified.
4. Unmarked or void for uncertainty.

Rejection for voting for more candidates than entitled is frequently the fate of a ballot paper on which a flustered voter has first voted for one candidate and then found he had placed the mark against the wrong name, and when he has attempted to use the same ballot paper to vote for the person he intended to.

The third cause of rejection is a frequent source of trouble. In the earlier election petitions the Judges interpreted the provisions of the Ballot Act very

## *General Election*

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literally, and many papers were rejected which would pass as good at the present day. A voter who places his initials on the ballot paper will undoubtedly get his paper rejected, but a voter who puts a star or an O instead of a X will get his paper passed as good. It is a very fine distinction which says that in the one case the voter could be identified and therefore the vote is bad, and that in the other case the voter's intention is clear and therefore the vote is good.

Between these extremes there are numbers of other cases where departures from the prescribed way of making the X are to be found, and illustrations of the Judges' decisions upon particular forms of marking are to be found in the heavier text-books. It will suffice here to say that the general principles governing decisions to-day is (1) that the voter has not marked his paper that he can be positively identified and (2) that his intention or who he intended to vote for is clear. That a voter's short-sightedness may have made him put his mark outside the square will not invalidate the vote, nor if a X has been put partly in the space for one candidate and partly in that for another if it can be shown that the centre of the X falls not on the line but clearly in one candidate's space. But a ballot paper marked on the back is bad even though, when held up to the light, it appears to be a vote for one of the candidates.

In rejecting a ballot paper the returning officer must endorse the word "rejected" on the paper. A candidate's agent may object to a rejection and the R.O. must then endorse the words "rejection objected to" on the paper and this may come in useful should a petition be lodged.

After the papers are counted the R.O. is instructed to verify the ballot paper account given by each presiding officer and compare same with the figures he arrived at while counting the papers which were taken out of each ballot box. The report of this verification is to be sent to the Clerk of Crown in Chancery. It is not for the Returning Officer to make the figures correspond.

On the completion of the counting the returning officer is required to immediately declare the elected candidates or candidate to whom the majority of votes has been given. If there has been an equality of voting the returning officer, if he is a registered

elector, may give a casting vote. He is not required to give this vote by ballot and he must not vote in the election in any other case.

No provision for a recounting of the votes before the declaration is to be found in the Ballot Act nor do the candidates' agents possess any right to demand a recount. Where the figures are in doubt, or very close, a recount is frequently granted out of courtesy or the returning officer may himself decide to recount.

Where the figures proposed to be announced do not tally with the number of ballot papers originally counted out of the ballot boxes the candidates' agents have a strong moral right to a recount, and the returning officer who refuses such request would be extremely foolish seeing that the result he has arrived at is definitely wrong.

*(To be continued.)*

### AGENCY CHANGES AND NEW APPOINTMENTS.

**MAIDSTONE.** Mr. W. G. Veals, late part time agent at Tunbridge Wells, has been appointed full time agent at Maidstone.

Address: 3/4 Bower Terrace, Maidstone.

**NORTHWICH.** Mr. H. Connelly has been appointed full time agent in the place of Mr. A. J. Heal, removed to Halifax.

Address: Labour Hall, Witton Street, Northwich.

**SOUTHAMPTON.** Mr. A. Rose has now been placed on the official list as full time agent.

Address: Morris Hall, 1, Commercial Road, Southampton.

### ALTERATIONS OF ADDRESSES.

**EAST NOTTINGHAM.** Mr. T. Roper; present address, 138, Mansfield Road, Nottingham.

**NOTTINGHAM BOROUGH PARTY.** Mr. P. Hayden; present address, 138, Mansfield Road, Nottingham.

**SOUTHWARK.** Mr. H. J. Hamilton Cardwell; present address, 83, Newington Butts, Southwark, S.E.17.

**SWINDON.** Mr. H. N. St. Dunstan White; present address, 28, Milton Road, Swindon, Wilts.

**NORTH HACKNEY.** Mr. J. Jones; present address, 51, Rossington Street, Clapton, London, E.5.

**STAFFORD.** Mr. R. C. Wallis; present address, Labour Party Offices, 9, Eastgate Street, Stafford.



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## LOCAL NEWSPAPER MEMS.

### A Point Concerning Election Expenses.

A number of correspondents have written us enquiring what is the position of their local monthly News Sheet, and of any special election edition, in relation to election expenses. We are glad to note that all the enquirers indicate a desire to keep within the law and to do nothing by way of incurring expense, or not returning expense, which is illegal.

The circumstances which our correspondents relate differ widely. In some instances the queries relate to papers which have been running a considerable time, and which are definitely permanent newspapers. Other papers have been only recently started, but they are intended to be permanent publications, though in one or two instances permanency depends, we fancy, on certain people remaining in the constituency. In still fewer cases the local News Sheets have been started for Party purposes, but it is probable they will cease publication after the election. We have also been asked about the position of News Sheets published solely during the month of May, though we cannot imagine anyone supposing that these would not be purely election expenses.

Our opinion is that newspapers whether owned by Political Parties, individuals, or corporations, commit no offence, and the expenditure on them does not become part of any candidate's election expenses, by reason only of their general support of a particular candidate or because they contain propaganda matter in support of a particular Party. A permanent weekly or monthly newspaper is therefore at liberty to continue its normal function. If, however, the paper places its services at the election at the disposal of any candidate, or if he accepts its aid in any exceptional measure, the expenditure on the paper becomes an election expense. An election edition of a newspaper has been definitely held to be an election expense. We think, too, that if one of these papers devotes, if only one special page, to any candidate and incurs thereby special printing or other expense, this becomes an election item. In practice we think very few Labour papers will continue to be published without the expenses of their publication for the election period becoming returnable.

The question how far back the issues

have become returnable is a matter for decision in each case. Generally speaking we think that a permanent paper even if a purely propaganda paper only becomes an election expense when its issues concentrate on the candidature. This is almost certain to include the issue for the month of May, and it conceivably may cover some other issues. Papers started this year and terminating with the General Election are under the strong presumption that they were started for election purposes only, and in the interests of a candidate. But there will be some instances where the issues of the paper can be shown to have been entirely unassociated with the conduct and management of the candidate's election, and the expenses of such issues of course will not be returnable.

Regarding purely temporary papers only, while one can imagine a group of people starting a newspaper round about the period of an election and continuing through an election it will be, in practice, very hard to show that such publication was unconnected with anybody's candidature. All such sheets should be "returned."

Our correspondents should study the circumstances and the contents of their newspapers in the light of the above remarks. And it will be safer to err on the side of unnecessarily declaring expenses than to omit to include an item which a Judge might hold should properly have been included.

The *London News*, the monthly publication of the London Labour Party has recently been enlarged to eight pages. It is a well got up and effective fighting paper, and in its new form is both handier to read and one gets more of it. The *London News* is essentially a paper for the Labour Londoner, and the London Labour Parties ought to see to it that it gets a huge circulation. The *London News* treats all the political problems of London with a grand parochialism that is unique, all embracing and decidedly effective and convincing. There is no provincial paper with which we can compare it. The price of the new form is as before, one penny. The May issue is to be a General Election Special of sixteen "smashing pages." The Editor is Mr. Herbert Morrison, Chairman of the Labour Party.

Address: The *London News*,  
258/262, Westminster Bridge Road,  
S.E.1.

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After many months of careful preliminary work the Birmingham Borough Labour Party and its Organiser, Mr. Hinley Atkinson, are to be congratulated upon the establishment of a chain of local monthly newspapers covering no less than ten or eleven constituencies. The new publication is known as the *Labour News* and it is localised for the several constituencies embraced in the chain, thus we get the *Aston Labour News*, the *Erdington Labour News* and also that for Edgbaston, Deritend, Duddleston, Handsworth, Ladywood, King's Norton, Sparkbrook and West Birmingham, while we note that Stoke-on-Trent has also thrown in its lot. Almost every Birmingham constituency thus has its own monthly each with a large guaranteed circulation. The Yardley Division is still catered for by the *Torch*, which has been running a considerable time. The King's Norton *Labour News*, which was established nearly eighteen months ago, has thrown in its lot with the others. From what we note of the samples which have come into our hands two inside pages are common to all the editions of the *Labour News* and the outside pages are in the hands of the local agents. We wish this venture a long life with great victories for Labour to encourage it.

The *West Fulham Citizen*, with a guaranteed circulation of 10,000 copies, started publication with the month of April. Though late on the scene its first issue has started right, and we wish it success.

Address : *The West Fulham Citizen*  
(Editor, Morgan W. Phillips), 131,  
Dawes Road, London, S.W.6.

The *New Outlook* published by the Penistone Divisional Labour Party is another newcomer, which has now reached its third issue. There is a guaranteed circulation of 10,000 copies. The contents are varied and therefore interesting.

Address : *The New Outlook*, Norman Croft, Denby Dale, Yorks.

The *St. Marylebone Beacon*, which recently commenced publication, is a penny monthly which has already seen one enlargement. There is plenty of punch in the issues to hand, and we hope the St. Marylebone Labour Party will be able to maintain this laudable effort as a permanent paper.

Address : *St. Marylebone Beacon*,  
53, Church Street, London, N.W.8.



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## ANSWERS TO CORRESPONDENTS

*Correspondents are required to give their full name and address, not, however, necessarily for publication. Replies from general correspondents cannot be given through the post. It is imperative that where a reply depends on a statement of fact (such, for instance, as qualification of an elector to be on the register), the fullest information should be given.*

### Free Copies of Register.

*Question.* I should be glad if you could let me know under what Act I can claim free copies of the Register from the proper authority?

*Answer.* This is a question which seems to reach us periodically and some misunderstanding exists regarding free supplies of the register. The authority under which free copies are supplied goes back to 1921, and it appears in a Home Office circular reprinted as R.P.93. According to this circular the recognised agents of political organisations are to be supplied with two copies of the register as published, and copies of lists B. and C. not exceeding four in number as published. In a Home Office circular dated August 10th, of the same year the instruction was extended to include copies of the Absent Voters Lists.

It should be noted that Party secretaries as such, where there are no political agents, do not appear to be entitled to free copies. The "recognised agents of political organisations" is an undefined term, though it would appear that if Divisional Secretaries put themselves forward as the agents of their Parties it is no business of the Registration Officer whether they are paid or unpaid so long as they are the recognised agents of their respective Parties.

At recent elections candidates at Parliamentary Elections have also been allowed a free copy of the register. Our readers are advised to be alive to this privilege at the forthcoming election, for the cost of a complete register is a considerable item. These free copies are supplied under direction of the Treasury, but they do not appear to be claimable except by candidates "duly nominated." The attention of Returning Officers was last drawn to this matter in a memorandum for the guid-

ance of Acting Returning Officers issued by the Home Office in October, 1924, and published as R.P. 129.

### Proxy Voters.

*Question.* Does the right of voting by proxy obtain at present. If so, what are the provisions of same?

*Answer.* The right of voting by proxy still exists, though it is confined to absent voters who will probably be at sea or out of the United Kingdom at the time of the election. Absence in the Irish Free State is now absence out of the United Kingdom. The provisions governing proxy votes are to be found in the R.P. Act, 1918, Section 23, and in the third schedule to that Act, and amendments to these provisions are to be found in Section 2 of the Act of 1920. The statutory rules are to be found in the Representation of the People Order, R.P.134, price 1/6. Broadly speaking the rules provide that a proxy voter shall fill in a form of appointment of a proxy (giving a second choice of a proxy in case the first person suggested may decline). This form is sent to the Registration Officer who gives notice to the first choice of the latter's suggested appointment as proxy. Unless this person declines within seven days he is automatically registered as the proxy for the elector appointing him. The elector is then unable to vote except through his proxy, and the appointment lasts until next election, though it may be cancelled on notice being given on the proper form. Proxy papers may be received by a Registration Officer at any time, but he is not compelled to record an appointment of a proxy which reaches him less than one clear day before the day of nominations.

### Candidate as Absent Voter.

*Question.* A Labour Candidate at the forthcoming election resides in our Division, though the one he is contesting is in a distant part of the country. He has applied to be placed on the Absent Voters List, and he has also applied for some members of his family to be placed on the Absent Voters List as they will be with him during his election. We are anticipating a fight over this question and should be glad of any hints from you on the matter.



*Answer.* We have replied to this correspondent by post for the answer here is of course too late for the Registration Courts, though the point may be of interest to our readers.

A person may be placed on the Absent Voters List who satisfies the Registration Officer that by virtue of his occupation, service or employment he may be debarred from voting at a Parliamentary Election during the time the register is in force. The words "occupation, service or employment" present some difficulty. A Parliamentary candidate certainly is not engaged in any service or employment. But is it an occupation? Until some authoritative ruling is given on this point we advise our readers to contend that it is. An occupation is not necessarily a paid occupation. A Justice of the Peace might be debarred by his occupation from voting at an election. The Returning Officer likewise is in an occupation which may prevent him exercising the franchise in another constituency. A Juror may be in a like condition, and we submit that a Parliamentary candidate could successfully contend that he was engaged in an occupation within the meaning of the Rule.

The members of a candidate's family who will be helping him in the contest do not in our opinion occupy the same position. It is, in their case, a voluntary absence and the element of compulsion or obligation implied in the word "occupation" has no such force in their case. But if these people are to be employed as sub-agents or in some other capacity at the election under a contract of service with the election agent it might be shown that there is "service or employment" such as would prevent them voting in the ordinary way. A prospective appointment in a paid capacity ought to be sufficient as in the case of a sub-agent or election agent. An actual appointment would, we think, be conclusive.

#### **An Absent Councillor Seat.**

*Question.* A Councillor in \_\_\_\_\_ has left the district and announced through the press and verbally that he has retired. He has not sent in his resignation however, although he has removed. The clerk to the Council simply sits tight and does not move. What can I do to get the vacancy declared? If he doesn't resign what procedure will speed him out?

(Concluded on page 84.)

## **The Result of the Poll?**

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## CAN WE USE OUR LABOUR CLUBS?

A surprisingly large number of questions have been presented to us recently concerning the legality of the use of club premises at the coming election. Some of our friends have troubled us with books of rules and all sorts of other tiresome particulars, and it may help in solving the problem for others if we present the legal position clearly here.

There is no prohibition on the use of any premises at a Parliamentary Election for the purposes of a public meeting. The following premises are, however, prohibited from use as Committee Rooms:—(1) Premises licensed for the sale of liquor (whether the license be for consumption on or off the premises); (2) Any premises where intoxicating liquor is sold or supplied to members of a Club, Society or Association *other than a permanent political club*; (3) Premises where refreshment of any kind *whether food or drink* is ordinarily sold for consumption on the premises; (4) A public elementary school in receipt of the Parliamentary grant.

To these prohibitions there is proviso which allows the use of premises ordinarily let as chambers or offices, or for the purpose of public meetings, if the part proposed to be used has a separate entrance and no direct communication with any part of the premises on which intoxicating liquor or refreshment is sold or supplied.

Apart from problems arising out of the structure of premises which we have previously dealt with in the *Labour Organiser*, the questions at present agitating the minds of our enquirers appear to be (1) whether certain recognised Labour Clubs possessing a teetotal refreshment bar can be used as Committee Rooms or (2) whether a particular licensed club is a permanent political club within the meaning of the Act?

The answer to the first question discloses a distinct injustice to teetotalers. Notwithstanding that a Club may be a permanent political club there is no exemption for the premises if a refreshment bar ordinarily caters for its members with the sale of food. The law makes no more difference between a club which supplies food and an ordinary eating house, though the meaning of the word "ordinarily" may

be open to some discussion. We should say that a temperance club which catered for meals is disqualified from use; so, too, is one where a refreshment bar is nightly open. We do not think, however, that the occasional sale of light refreshments in a temperance club or the occasional opening of a refreshment bar would disqualify.

To come to the second question, *any part* of a "permanent political club" may be used as a Committee Room. But the term used by the Act has never yet secured legal definition, and our correspondents have put several posers to us to secure from us an opinion whether their particular club was a "permanent political" one or no.

The word "permanent" gives rise to no great difficulty. Even if a club is established immediately before the election if the intention is to carry on it would, we think, be a permanent club within the meaning of the Section.

But what is a "political" club? Though some of our friends have submitted rules to us we are of the opinion that it is quite unnecessary for a club to have defined political objects in order to become a political club within the meaning of the Section. A club, like an individual, must be judged by its actions, and except where rules expressly lay down a non-political status we think it would be the actions of the club management and the degree of political activity indulged in by the club which would determine its status before the law.

Certain clubs have, of course, well defined political objects. In others there is a clause which permits of the disposal of profits on Labour propaganda, though the word "Party" is not always mentioned. But then one rarely hears of a "Labour Party" Club or a "Conservative Party" Club. Yet there is a very strong presumption that a Club calling itself after the name of a political Party is itself political. We are of the opinion that this presumption, coupled to definite actions, is sufficient in most cases to determine the club as a political club, and therefore to allow the use of its premises for the purposes of a Committee Room.

Where political clubs are used as committee rooms a warning is necessary. The club management and the election management must be kept entirely apart. Where election officers are also club officers they must not

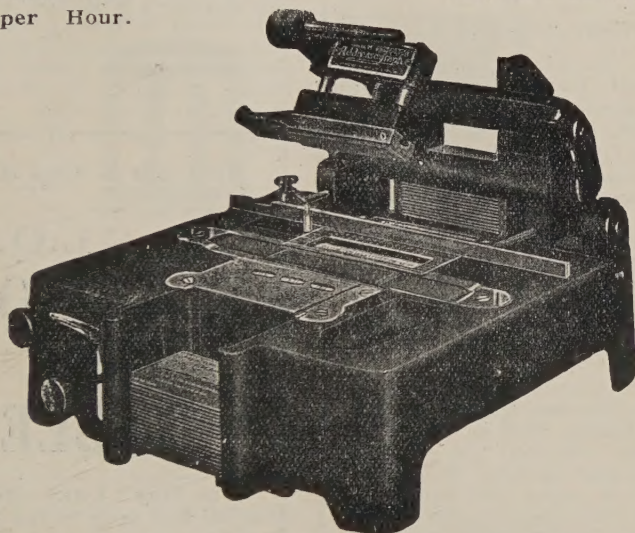


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confuse their capacities. It is even better to temporarily cease exercising any club office. Further, where drinking and election business is conducted in the same room there is grave risk of illegal treating, apart from the objectionableness of the practice. In all cases it is wisest to allot separate rooms to the conduct of the election, to prohibit the supply of liquor therein, and if there is a separate entrance, to use it.

*(Concluded from page 81.)*

*Answer.* Our friend's enquiry refers to the Local District Council and the matter is governed by the Local Government Act, 1894, Section 46 sub-sections 6 and 7 which read as follows:—

"If a member of a council of a parish, or of a district other than a borough, or of a board of guardians, is absent from meetings of the council or board for more than six months consecutively, except in case of illness or for some reason approved by the council or board, his office shall on the expiration of those months become vacant."

"Where a member of a council or board of guardians becomes disqualified for holding office, or vacates his seat for absence, the council or board shall forthwith declare the office to be vacant, and signify the same by notice signed by three members and countersigned by the clerk of the council or board, and notified in such manner as the council or board direct, and the office shall thereupon become vacant."

It should be noted that absence commences from the first meeting of the Council missed. It would appear from our correspondent's letter that the six months has not expired, but at the next meeting following the expiration of the six months the vacancy ought to be declared and if there are Labour members on the Council they might raise the question. If nothing happens we advise that the Home Office should be communicated with.

Our correspondent should of course remember that the L.G. Act lays it down that an election shall not be held to fill a casual vacancy which occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs.

### **Dance During Election.**

*Question.* We have arranged a Whist Drive and Dance for the week before our Urban District Council Elections. Shall we be in order in carrying on, or must we abandon this affair.

*Answer.* This question doesn't give us much information to go upon. We presume it is the Local Party which has arranged the Whist Drive and Dance and that the function has not been arranged as a part of the election campaign. There is nothing in this case to prevent the function proceeding. Care should be taken however, whenever such events occur during an election period not to convert them into election meetings. Nor should tickets be given away to electors.

*Held over to Next Month*

## **The "L.O." ELECTION TIME TABLE**

**The May "L.O." will be published early in the Month**

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